



#7  
7/24/03

KEG 2-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
George Washington Baughman III , *et al.* )  
Serial No. 09/955,417 ) Examiner Phi Dieu Tran A.  
Filed: September 18, 2001 ) Group Art Unit: 3637  
For: "Method and System for Presenting )  
Merchandising at an Outdoor Paved )  
Surface"

COMMISSIONER OF PATENTS AND TRADEMARK  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.132

William A. Dascenzo declares as follows:

- 1) That he is a citizen of the State of Florida, having a residence at 201B Tyler Drive, Sarasota, Florida 34230;
- 2) That he is an inventor named in the above-identified application for United States Patent;
- 3) That his curriculum vitae is annexed hereto as Exhibit A;
- 4) That he has been advised that the claims of the above-identified application for U. S. patent have been rejected under Section 103 of the Patent Statute, the Examiner citing Pool, U. S. Patent No. 2,638,636 (Pool) in view of Feleppa, U. S. Patent No. 5,700,102 (Feleppa) and Thornton, U. S. Patent No. 3,673,720 (Thornton) and Reilley *et al.*, U. S. Patent No. 5,120,941 (Reilley *et al.*);
- 5) That the present invention is directed to an outdoor merchandising technique wherein the otherwise poor environment of a retail parking lot is practically and seasonally converted into a merchandizing region pleasant and accommodating to customers;
- 6) That Pool teaches against the concept of the present invention with showcases distributed along a roadway and the representation of a parking lot which is not used for any retailing purposes;
- 7) That he has been advised that the Examiner has stated that it would have been obvious to modify Pool to show interconnecting the pole tops with horizontally disposed signage support to define a three-dimensional retailing region for a

select number of merchandising bays extending adjacent the poles from at least a portion of the geometric boundary to the shopper aisle;

- 8) That the Examiner is incorrect in that assertion in that none of the references show an interconnection of pole tops with a horizontally disposed signage supports to define a three-dimensional retailing region with a select number of merchandising bays extending between adjacent poles from at least a portion of the geometric boundary to a shopper aisle;
- 9) That the only sign-based pole interconnection shown in any of the references is a connection of two poles to support a slidable sign as shown in Thornton;
- 10) That Thornton does not show nor possibly suggest the interconnection defining a three-dimensional retailing region;
- 11) That he has been advised that the Examiner has asserted that it would have been obvious to modify Pool to show flags being supported on poles because having flags on the poles would attract people's attention to the installation and thus enhance sales of product as taught by Feleppa;
- 12) That the Examiner is incorrect in that the purpose of the flags is to attract the customer's eyes to overhead signage as opposed to merchandise;
- 13) That he has been advised that in rejecting claim 8, the Examiner has stated that it would have been obvious to modify Pool's modified structure to show a plurality of covers each being extensible over an anchor sleeve adjacent the surface;
- 14) That none of the references, taken singly or in combination show or suggest the use of covers or associated anchor pattern geometries as claimed;
- 15) That he has been advised that in rejecting claim 10, the Examiner has asserted that it would have been obvious to modify Pool's modified structure to show a tension cable assembly;
- 16) That none of the references show or suggest such a signage support which is readily erected by store personnel;
- 17) That he has been advised that in rejecting claim 11 the Examiner has stated that it would have been obvious to modify Pool's modified structure to show a horizontally disposed lower signage support;
- 18) That none of the references show or suggest, either singly or in combination, a lower signage support connected between poles and with the lower border of an overhead sign;
- 19) That none of the references show or suggest a plurality of poles extending within select anchor sleeves and in freely abutable contact with a sleeve engagement

surface, there being no sleeve engagement surface shown or described anywhere in the references;

- 20) That he has been advised that the Examiner asserted that it would have been obvious to modify Pool to show a retainer connection assembly affixed to each of the first poles at a location defining a bay access elevation above the surface when the poles are inserted within the sleeves;
- 21) That none of the references show or suggest a retainer connection assembly as taught in the above-identified application;
- 22) That none of the references teach the presence of a bay access elevation;
- 23) That none of the references show or suggest lower retainer assemblies which are removably coupled between retainer connector assemblies as claimed and described in the application;
- 24) That none of the references teach or suggest the utilization of lower couplers as shown, for example, at 368 and 370 in Fig. 10;
- 25) That none of the references, taken singly or in combination show the utilization of cables and connector assemblies functioning to support overhead signage;
- 26) That he has been advised that in rejecting claim 3, the Examiner has asserted that having flags as pennants formed with nylon would have been obvious;
- 27) That the utilization of nylon material for the pennants employed for visual stimulation to the signage followed from a development endeavor wherein pennants formed of other materials were not as effective as a sight stimulator as was nylon;
- 28) That none of the references taken singly or in combination show the use of breakaway couplers at a lower sign support;
- 29) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18, and that such willful false statements may jeopardize the validity of the application or any document resulting therefrom.

Further Declarant sayeth naught.

Date

July 10, 2003

William A. Dascenzo  
William A. Dascenzo

DASCENZO  
DESIGN

P.O. Box 506  
Sarasota, Florida USA  
34230-0506  
Telephone 941-388-3459

Space Planning  
Interior Detail Design  
Graphic Communication  
Industrial Design

### **Personal Profile**

William A. Dascenzo  
Principal  
Dascenzo Design

### **Education**

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The Ohio State University, School of Architecture; Department of Design, School of Fine Arts, Education College; Bachelor of Fine Arts B.F.A., Industrial Design 1964

### **Professional Background**

---

State of Ohio, Department of Highways; freeway design right of way division.

McVay's, Westerville, Columbus, Ohio. Designer and Interiors project coordinator; Ethan Allen store.

Lancaster Colony Corporation; Columbus, Ohio. Designer; product, packaging, graphics and exhibit design.

Richardson/Smith, Incorporated; Worthington, Ohio. Industrial Designer; product development group.

Kellam and Foley Architects and Planners, Inc.; Columbus, Ohio. Designer, facilities planning, interiors and graphics.

Neil Crabbe and Company; Land Development Group; Columbus, Ohio. Vice-President, Design and Communications. Primary responsibilities; facilities planning, interiors, graphics, corporate office development, condominiums and apartments.

Dascenzo Design; Columbus Ohio and Sarasota, Florida. Designer/Principal 1973 to present.

### **Professional Affiliation**

---

IDSA; Industrial Designers Society of America

**DASCENZO DESIGN** is a commercial planning and design consulting office, providing services in commercial Space Planning, Interior Design, Graphic Communications, and Industrial Design. We have over twenty five years experience with clients and projects throughout the USA and Canada from our offices in Columbus, Ohio and Sarasota, Florida. We have provided design, research and planning services for a range of clients from corporate headquarters and offices for insurance companies, medical, retail, hotel and restaurants, to beauty salons.

The following projects represent major responsibility in the areas of space planning, interior design, environmental and graphic communications, from preliminary evaluation and research through to complete interior furnishings/specifications package for bid/negotiation purposes.

#### Corporate Headquarters

- **J.R. Trueman and Associates/Red Roof Inns** Corporate Headquarters; Columbus Ohio, approximately 100,000 square feet of interior office and common facilities; two phases; and Red Roof Inn hotels across the country. Development of Red Roof Inns custom case goods and furniture design for bars, restaurants, conference rooms, exercise rooms, etc.; complete interior and exterior graphics/signage system.
- **Buckeye International, Inc.**; Bank One Building, Columbus, Ohio; approximately 25,000 square feet of interior office space; remodeling situation. Custom furniture design for multipurpose rooms, conference tables, bar.

#### Insurance Companies

- **Turner and Shepherd, Inc.**; Huntington Bank Building, Columbus, Ohio; approximately 25,000 square feet of interior office space; remodeling situation.
- **Ohio Medical Indemnity, Inc.** (Blue Cross and Blue Shield) Worthington, Ohio; approximately 240,000 square feet of interior office space; programming and interior design for two buildings..

#### Banking Institutions

- **Freedom Federal Savings and Loan** Corporate Headquarters; Columbus, Ohio; approximately 20,000 square feet of interior office space. Two branch bank offices.
- **Ohio State Bank**, Columbus, Ohio; interior planning and design

#### Hospitals/Medical Facility

- **Parkview Memorial Hospital**, Fort Wayne, Indiana. Interior consulting and graphic identification program
- **Grant/Riverside Methodist Hospital**, Columbus, Ohio; Interior Consulting/Planning for main lobby, and custom design development of a permanent exhibit for the "Life Flight" helicopter division.
- **Orthopedics Office Building; Doctors West Hospital**, Columbus, Ohio, interior planning and design.

Retail

- **Micro Center Computer Stores, Micro Electronics, Inc.** Corporate Offices; Columbus, Ohio. Development of the new generation, approximately 45,000 square foot retail and computer education space; new retail store prototypes through roll-out. Interior planning, kiosks, casegoods, graphics and interior design; and exterior building and graphic design. Locations: Columbus, Ohio; Chicago, IL; Fairfax, VA; Radnor, PA; Cambridge, MA; Atlanta and Duluth, GA; Houston and Dallas, TX; Tustin and San Jose, CA; Westbury, NY; St. Louis Park, MN.
- **The Scotts Company.** Corporate Offices; Marysville, Ohio. Development of exterior Garden Center Corral concepts for Scotts retail clients, Wal-Mart, Lowe's, Target and Kmart. Provided design, research, planning and project construction management services through complete component specifications for production of an "alpha" test prototype. Concept development of modular interior Kiosks/Canopy units for application within the retail store area and transitional spaces.
- **The Club Hair Resort.** Columbus, Ohio; Rhodi Services; Newfoundland, Canada. A full service high end salon featuring hair, nails, cosmetics, tanning and massage; creating a tropical theme for interior planning and design, case goods design and complete graphic identity.
- **Dibala Beauty Salon,** Columbus, Ohio. Hair and cosmetics, garden theme, custom case goods/power station, and complete graphic identification. AIA award for interior design.
- **Sally's Town and Country Boutique,** Ocean Blvd. Siesta Key, Florida. A contemporary high fashion boutique specializing in women's coordinates, accessories and jewelry. Interior space planning and design, custom case goods, lighting, neon graphics and exterior signage development, and complete construction coordination services.
- **Galleria Silecchia,** Palm Avenue. Sarasota, Florida. An International Gallery of Fine Art; with artists such as Glenna Goodacre, (sculptor, new US Dollar coin design). Interior space planning and design, custom case goods, lighting, exterior ID development, and complete construction coordination services.
- **Sunscene International,** Columbus, Ohio. A contemporary tanning salon with new custom designed vertical tanning/dressing booths. Development of joint design with GE for vertical tanning unit. Complete interior design and graphic identity.

Multi-Purpose Buildings

- **TrueSports Race Facility.** Columbus, Ohio; approximately 30,000 square feet of interior space planning and design. Corporate identity and graphics.
- **Mid Ohio Race Facility,** Lexington, Ohio. VIP/Goodyear Tower; approximately 10,000 square feet, five floor facility. Interior space planning and design, VIP floors, press and timing and scoring; furniture design. Main entry gate design/graphics and signage development.
- **Fawcett Center for Tomorrow, The Ohio State University,** Columbus, Ohio; approximately 400,000 square feet of multi-purpose space; offices, banquet rooms, auditorium, restaurant, hotel and lobby facility.

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Space Planning  
Interior & Exterior Design  
Graphic Communication  
Industrial Design

#### Restaurants

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- **Morones Italian Villa**; Columbus, Ohio Contemporary/Period theme interior design direction.
- **The Inner Circle Restaurant**; Columbus, Ohio. Contemporary interior design direction for restaurant, bars and banquet rooms. Graphic identity, menus, etc.

*We would welcome the opportunity to meet with your group, discuss your companies planning requirements, whether they be new product, existing or new building expansion and develop a program for the future. Our philosophy is to work as a team on a multi-disciplined basis through which the best design and business solutions evolve.*

**EXHIBIT**

**A**

Dascenzo

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- 3) That his curriculum vitae is annexed hereto as Exhibit A;
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Date July 10, 2003

William A. Dascenzo  
William A. Dascenzo

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## DESIGN

Sarasota, Florida USA  
34230-0506  
Telephone 941-398-3455

Interior & Retail Design  
Graphic Communication  
Industrial Design

## Retail

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- **Micro Center Computer Stores, Micro Electronics, Inc. Corporate Offices;** Columbus, Ohio. Development of the new generation, approximately 45,000 square foot retail and computer education space; new retail store prototypes through roll-out. Interior planning, kiosks, casegoods, graphics and interior design; and exterior building and graphic design. Locations: Columbus, Ohio; Chicago, IL; Fairfax, VA; Radnor, PA; Cambridge, MA; Atlanta and Duluth, GA; Houston and Dallas, TX; Tustin and San Jose, CA; Westbury, NY; St. Louis Park, MN.
- **The Scotts Company, Corporate Offices;** Marysville, Ohio. Development of exterior Garden Center Corral concepts for Scotts retail clients, Wal-Mart, Lowe's, Target and Kmart. Provided design, research, planning and project construction management services through complete component specifications for production of an "alpha" test prototype. Concept development of modular Interior Kiosks/Canopy units for application within the retail store area and transitional spaces.
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#### Restaurants

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